

Image



1642

Dkt. 58044-A/JPW/AJM/AG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Riccardo Dalla-Favera  
Serial No.: 09/724,254 Examiner: K. A. Canella  
Filed : November 28, 2000 Group Art Unit: 1642  
For : ISOLATION OF FIVE NOVEL GENES CODING FOR NEW Fc  
RECEPTORS-TYPE MELANOMA INVOLVED IN THE  
PATHOGENESIS OF LYMPHOMA/MYELOMA

1185 Avenue of the Americas  
New York, NY 10036  
March 11, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**COMMUNICATION IN RESPONSE TO  
FEBRUARY 17, 2004 NOTICE OF NON-COMPLIANT AMENDMENT**

This Communication is submitted in response to the February 17, 2004 Notice of Non-Compliant Amendment issued by the United States Patent and Trademark Office in connection with the above-identified application. A copy of the Notice is attached hereto as **Exhibit A**. A response to the February 17, 2004 Notice is due on March 17, 2004. Accordingly, this Communication is being timely filed.

On October 31, 2003, applicant filed an Amendment in Response to the July 31, 2003 Office Action. The October 31, 2003 Amendment was received on November 3, 2003 in the U.S. Patent and Trademark Office. A Notice of Non-Compliant Amendment was subsequently issued from the Patent Office on February 17, 2004.

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The February 17, 2004 Notice states that the Amendment filed on October 31, 2003 in connection with the above-identified application is considered non-compliant as it failed to meet the requirements of 37 C.F.R. §1.121, as amended on June 30, 2003. The Notice further states that, in order to be compliant, the section of the October 31, 2003 Amendment containing the non-compliant provision must be resubmitted in its entirety.

In response to the Notice, applicant submits the Section entitled "Amendments to the Claims", attached hereto as **Exhibit B**, including the text of all claims not canceled, including withdrawn claims, in compliance with the requirements of §1.121. Please substitute the enclosed Section entitled "Amendments to the Claims" for the corresponding Section in the Amendment filed October 31, 2003.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorneys invite the Examiner to telephone them at the number provided below.

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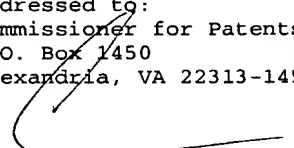
No fee is deemed necessary in connection with the filing of this Amendment. However if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

  
Alan J. Morrison  
Reg. No. 37,399

5/11/07  
Date

58044-A  
JRW  
UNITED STATES PATENT AND TRADEMARK OFFICEUNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
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2/17/04: 1 mo. 3/17/04

2 mo. 4/17/04 5 mo. 7/17/04

3 mo. 5/17/04 6 mo. 10/17/04

4 mo. 6/17/04

5 mo. Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 11/03/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.

## THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:


- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☒ B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is **not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

  
Legal Instruments Examiner (LIE)